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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,830	10/26/2000	Kathryn B. Vivian	52493.000090	1877

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

EXAMINER

LE, HIEU C

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 09/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/695,830

Applicant(s)

VIVIAN ET AL.

Examiner

Hieu c. Le

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-17, 19, 31-38 and 40 is/are allowed.
- 6) ☒ Claim(s) 1-9, 18, 20-30, 39 and 41-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. The amendment filed 6/30/04 have been entered and made of record.
2. The Applicant's argument filed 6/30/04 have been fully considered but they are not persuasive for the following reasons:

Applicant alleges that " Ceretta fails to teach each and every feature of claim 1[,]" (p. 20, line 5-p. 22, line 11). The Examiner disagrees. Firstly, Fig. 6 is a display menu of the community identifiers and the end user specify whether they would link to receive updates. Secondly, Fig. 7 further shows the display of a list of categories (community identifiers) for selection by the end user that is tailored to the area of interest (col. 11, lines 54-64). Third, there is no definition in the claim that defines "community identifiers" different from the Examiner's interpretation.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 43-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 43 recites "wherein the descriptive community identifiers in the menu are respectively associated with a hierarchy of interest topics, the hierarchy varying

between different descriptive community identifiers and wherein the hierarchy controls a sequence in which the interest topics are presented to the user” in lines 1-5. There is no disclosure in the specification as originally filed “of the descriptive community identifiers in the menu are respectively associated with a hierarchy of interest topics or that the hierarchy controls a sequence in which in interest topics are presented to user” and how to perform it .

As to claim 44 recites “wherein the hierarchy is adjusted based on interest topics, previously selected by the user”. There is no disclosure in the specification as originally filed “wherein the hierarchy is adjusted based on interest topics, previously selected by the user” and how to perform it .

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “wherein the descriptive community identifiers in the menu are respectively associated with a hierarchy of interest topics, the hierarchy varying between different descriptive community identifiers and wherein the hierarchy controls a sequence in which the interest topics are presented to the user” in claims 43-44 (refer to paragraph 4) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 2142

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2,6-8,20-23,27-29,41-42 are rejected under 35 U.S.C. 102(e) as anticipated by Ceretta et al (US Patent 6,370,355).

As to claim 1, Ceretta discloses a method for interactively providing a specialized learning curriculum over a computer network comprising the steps of:

receiving, from a client computer associated with a user, personal information relating to at least one user interest (col. 7, lines 15-40);

storing said personal information on at least one server computer associated with an education content provider (col. 6; lines 53-61);

generating a specialized learning curriculum based upon said personal information (col. 2, lines 19-24, col. 10, lines 20-24); and

displaying said specialized learning curriculum to said user [a home room is displayed to the user (col. 11, lines 23-29)].

the steps of displaying a menu of descriptive community identifiers to the user (Fig. 6, & Fig. 7 , col. 11, lines 54-64)

and receiving a user selection of a particular descriptive community identifier (col. 10, lines 37-42).

As to claim 2, Ceretta further discloses wherein said personal information includes community information generally describing the user [personal information includes name, address etc. (col. 7, lines 15-22)].

Art Unit: 2142

As to claim 6, Ceretta further discloses wherein said personal information further includes interest topic information more specifically describing the interests of the user (col. 11, lines 1-8).

As to claim 7, Ceretta further discloses further comprising the steps of: displaying a plurality of selectable interest topic fields to the user [a per defined number of educational categories (topics) are displayed in the web page as hyperlinks (col. 11, lines 32-45); and

receiving user selections of at least one of said plurality of the interest topics included in said selectable interest topic fields (col. 11, lines 54-64).

As to claim 8, Ceretta further discloses wherein said step of receiving user selections of at least one of said plurality of selectable interest topic fields further includes the step of limiting the selection of said selectable interest topic fields to a predetermined maximum number of interest topic fields.

As to claim 20, Ceretta further discloses further comprising the steps of: receiving a user request to view a bookstore (col. 15, lines 34-38).

generating a recommended book list based upon said received personal information (col. 15, lines 34-40); and

displaying said recommended book list to the user (col. 15, lines 40-43).

As to claim 21, refer to claim 20 rejection. Ceretta further discloses a chat room (newsroom) (col. 15, lines 34-38).

As to claim 22, refer to claim 1 rejection.

As to claim 23, refer to claim 2 rejection.

Art Unit: 2142

As to claim 27, refer to claim 6 rejection.

As to claim 28, refer to claim 7 rejection.

As to claim 29, refer to claim 8 rejection.

As to claim 41, refer to claim 20 rejection.

As to claim 42, refer to claim 21 rejection.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 5, 9, 24, 26, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ceretta (US Patent 6,370,355).

As to claim 3, Ceretta discloses that personal information includes user names, address etc , but not limited to this information (col. 7, lines 15-21).

Ceretta does not disclose wherein said community information includes family status/age information.

Using age and family status as part of the personal information is well known and conventional and would be used for conventional reasons such as to provide statistical data or user profiles.

As to claim 5, Ceretta discloses that personal information is provided via electronic information surveys (col. 11, lines 7-8).

Ceretta does not disclose wherein said menu of descriptive community identifiers includes: a single and starting out identifier; a married without children identifier; a children at home identifier; a single and established identifier; an empty nester identifier; and a retired identifier.

However, it is well known and conventional in electronic information surveys to query the user about family status by providing many options to select his or her status from it. Providing descriptive family status would be used for conventional reasons such as to provide statistical data or user profiles.

As to claim 24, refer to claim 3 rejection.

As to claim 9, Ceretta discloses wherein said predetermined maximum number is six (col. 11, lines 29-30).

Four topic field is within the claimed six topic fields.

As to claim 30, refer to claim 9 rejection.

10. Claims 18,39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ceretta (US Patent 6,370,355) in view of Eldering et al. (US Patent 6,457,010).

As to claim 18, Ceretta discloses further comprising the steps of:

receiving a user request to register with said content provider (col. 10, lines 15-20) ;

receiving user information from said user, wherein said user information includes unique identification information (col. 10, lines 20-27);

Ceretta discloses acquiring personal information and personal interest of the user (col. 11, lines 1-8, col. 12, line 18-22), and stores them on a server database (col. 7, lines 15-35).

Ceretta does not disclose generating a unique user profile including said user information.

Eldering discloses a subscriber characterization system that obtain a user profile over a viewing session and generates a unique user profile (col. 4, lines 34-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Eldering's teachings to modify the method of Ceretta by generating a unique user profile in order to determine the user's interest based on the users demographics and preferences.

As to claim 39, refer to claim 18 rejection.

11. Claims 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ceretta (US Patent 6,370,355)as applied to claim 1 above and further in view of Wical et al. (US Patent 6,101,515).

As to claim 43, [As best understood by the Examiner] Ceretta does not disclose wherein the descriptive community identifiers in the menu are respectively associated with a hierarchy of interest topics, the hierarchy varying between different descriptive community identifiers and wherein the hierarchy controls a sequence in which the interest topics are presented to the user.

Wical discloses a learning system that processes content and classifies the content based on the use of the terminology in the document set (content) (col. 7, lines

Art Unit: 2142

24-31). The content is classified in a hierarchy (col. 8, lines 9-12). A user interface allows the user to select the terminology and displays the classified category to the user (col. 17, lines 26-35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Wical's teachings to modify the method of Ceretta by associating the descriptive community identifiers with a hierarchy of interest topics and display the topics of interest to the user based on the hierarchy in order to automatically categorize the topics of the interest in a hierarchy and display it to the user in the order of the user's interest.

As to claim 44, [As best understood by the Examiner] Ceretta further discloses wherein the hierarchy is adjusted based on interest topics, previously selected by the user (col. 20, lines 36-56).

Allowable Subject Matter

12. Claims 10-16,17,19,31-35,36-37,38,40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2142


TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (703) 306-3101. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached on (703) 305-9703. The fax phone number for this Group is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Hieu Le


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER